

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**CEDRIC KING**

**PLAINTIFF**

**V.**

**NO. 4:05CV265-P-A**

**CORRECTIONS CORPORATION  
OF AMERICAN, et al.,**

**DEFENDANTS**

**ORDER OVERRULING OBJECTIONS and ADOPTING REPORT AND  
RECOMMENDATION**

The *pro se* Plaintiff, an inmate in the Mississippi State Penitentiary, alleges in this § 1983 complaint that the Defendants used excessive force against him, failed to protect him and denied him due process. Magistrate Judge S. Allan Alexander filed a Report and Recommendation on July 18, 2006, recommending dismissal of the claims against Defendants Delta Correctional Facility and Emmitt Sparkman for failure to state a claim upon which relief may be granted. Judge Alexander also recommended dismissal of Plaintiff's due process claim against all Defendants. Plaintiff on August 3 and August 11, 2006, filed an Objection to the Report and Recommendation.

The court finds that Plaintiff's argument is not well-taken and that the objections should be overruled for the reasons stated in the Report and Recommendation, which the court approves and adopts as its opinion.

THEREFORE, it is hereby ORDERED that

- 1) the Plaintiff's objections to the Report and Recommendation of the United States Magistrate Judge are OVERRULED;
- 2) the Report and Recommendation is APPROVED and ADOPTED as the opinion of this court;
- 3) all claims against Delta Correctional Facility and Emmitt Sparkman are DISMISSED;
- 4) Plaintiff's due process claim is DISMISSED as to all Defendants;
- 5) Plaintiff's claims of excessive force and failure to protect against remaining Defendants shall proceed.

SO ORDERED, this the 25<sup>th</sup> day of August, 2006.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE